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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 ALFONSO LITTLE, et al.,

12 Plaintiffs,

13 v.

14 GATE GOURMET, INC.,

15 Defendant.  
16

Case No.: 3:16-cv-01084-L-AGS

**ORDER GRANTING PLAINTIFFS’  
MOTION [Doc. 70] FOR  
PRELIMINARY APPROVAL OF  
CLASS AND COLLECTIVE  
ACTION SETTLEMENT**

17 In this putative class action, Alfonso Little and Shantel Gates (collectively  
18 “Plaintiffs”) allege that Defendant Gate Gourmet, Inc. (“Defendant”) violated provisions  
19 of the California Labor Code, the California Business and Professions Code, and the Fair  
20 Labor Standards Act (“FLSA”) by failing to pay all owed straight time and overtime  
21 wages, failing to provide rest and meal periods or compensatory premium payments, and  
22 by failing to provide adequate pay stubs, pay upon termination of employment, and  
23 reimbursement of business expenses. (FAC [Doc. 67].) Following a full day mediation  
24 session, the parties have reached a settlement agreement. (See Joint Stipulation of  
25 Settlement and Release [Doc. 70-3].) Plaintiff now moves for preliminary approval of  
26 the proposed class settlement, the terms of which are set forth in the Joint Stipulation of  
27 Settlement and Release. Defendants do not oppose the requested relief. (Non-  
28 Opposition [Doc. 72].)

1 Having read and considered Plaintiff's Motion, including the Joint Stipulation of  
2 Settlement and Release and other attached exhibits, the Court **GRANTS** Plaintiff's  
3 Motion as follows:

4 1. The Court grants preliminary approval of the settlement of this action, based  
5 upon the terms set forth in the Joint Stipulation of Settlement and Release on file herein.  
6 The settlement appears to be fair, reasonable, and adequate as contemplated by Federal  
7 Rule of Civil Procedure 23(e)(2).

8 2. The Court finds that this Action meets the class certification requirements of  
9 Federal Rules of Civil Procedure 23(a) and (b)(3). Accordingly, and solely for the  
10 purposes of the proposed settlement, the Class is provisionally certified as follows: "all  
11 persons who are, have been, or will be employed by Defendant in a non-exempt position  
12 in California at any time during the period of March 30, 2012 through the date of  
13 Preliminary Approval." It shall be an opt-out class.

14 3. The Court confirms CPT Group, Inc. as the claims administrator.

15 4. Having found the requirements of Federal Rule of Civil Procedure 23(g)  
16 met, the Court appoints William Turley, David Mara, Jill Vecchi, Kevin T. Barnes,  
17 Gregg Lander, and Emil Davtyan as Class Counsel, solely for the purposes of the  
18 proposed settlement.

19 5. The Court confirms Alfonzo Little and Shantel Gates as the Class  
20 Representatives, solely for the purposes of the proposed settlement.

21 6. The Court approves, as to form and content, the **(a)** Joint Stipulation Of  
22 Settlement And Release (Doc. 70-3); and **(b)** Notice of Class And Collective Action  
23 Settlement (Doc. 70-4). This approval is conditional on adoption of the dates listed in  
24 paragraph 7 below.

25 7. The Court orders the following schedule of dates for further proceedings:

26 a. First Mailing of Notice, etc., to the Class: October 30, 2017

27 b. Deadline to postmark Objections and /or Opt-Out: December 14, 2017  
28

1 c. Filing date for Briefs For Attorney's Fees Request November 27, 2017  
2 and Request for Reimbursement of Costs:

3 d. Filing date for Plaintiff's motion for final January 29, 2018  
4 Approval of Class Settlement:

5 e. The Final Fairness Hearing and Approval Hearing, February 12, 2018 at 11am.  
6 and the Hearing on the Request of Class Counsel for  
7 Approval of Attorneys' Fees and Expenses:

8 8. The Court finds that the distribution of the Notice of Class And Collective  
9 Action Settlement in the manner and form set forth in the Joint Stipulation Of Settlement  
10 And Release and this Order satisfies due process requirements and the requirements of  
11 Rule 23(c)(2) and (e)(1), is the best notice practicable under the circumstances, and shall  
12 constitute due and sufficient notice to all Class Members.


13 9. The Court reserves the right to adjourn or continue the date of the Fairness  
14 Hearing and all dates provided for in the Settlement without further notice to Class  
15 Members, and retains jurisdiction to consider all further applications arising out of or  
16 connected with the proposed Settlement.

17 10. Plaintiffs motion for final approval of the settlement must include the  
18 required and customary filings. In addition, the motion papers shall include (1) an  
19 affidavit evidencing Defendant's compliance with the Class Action Fairness Act notice  
20 requirement under 28 U.S.C. § 1715, including responses from any government officials  
21 to the notice; and (2) the claims administrator's affidavit regarding compliance with its  
22 duties under the settlement and this Order, a copy of the notice sent to the class, a report  
23 on the number of class members to whom Notice was sent, the number of undelivered  
24 notices, efforts to locate correct addresses for undelivered notices after the first mailing,  
25 number of notices sent to the updated addresses in a second mailing, the number of such  
26 notices returned undelivered, the number of class members to whom payment will be  
27 made, and the average class member payment.  
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1           11. As of the date this Order is signed, all dates and deadlines associated with  
2 the Action shall be stayed, other than those related to the administration of the  
3 Settlement.

4 **IT IS SO ORDERED.**

5 Dated: September 25, 2017

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7 Hon. M. James Lorenz  
8 United States District Judge  
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